

1 Marjorie L. Hauf, Esq.  
2 Nevada Bar No.: 8111  
3 Matthew G. Pfau, Esq.  
4 Nevada Bar No.: 11439  
5 Cara Xidis, Esq.  
6 Nevada Bar No. : 11743  
7 H&P LAW  
8 710 S. 9th Street  
9 Las Vegas, Nevada 89101  
10 702 598 4529 TEL  
11 702 598 3626 FAX  
12 efile@courtroomproven.com  
13 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 **Robert Drye and Jacqueline Drye**, as  
12 assignees of Leonard Joseph N. Mateo

Case No.: 2:23-cv-00943-RFB-NJK

13 Plaintiff,

14 vs.

15 **Glatfelter Claims Management, Inc**, a  
16 Delaware Company; **American  
17 Alternative Insurance Corporation**; a  
18 Delaware Company; DOES I through X;  
19 and ROE CORPORATIONS I through X,  
20 inclusive,

Defendant.

**Proposed Discovery Plan and  
Scheduling Order Submitted in  
Compliance with LR 26-1(b)**

**Special Scheduling Review  
Requested**

21 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1(b),  
22 Plaintiffs, Robert Drye and Jacqueline Drye, as assignees of Leonard Joseph N. Mateo,  
23 and Defendants, Glatfelter Claims Management, Inc. and American Alternative  
24 Insurance Corporation, by and through their respective counsel of record, hereby  
25 submit this Proposed Discovery Plan and Scheduling Order. Deadlines that fall on a  
26 Saturday, Sunday, or legal holiday have been scheduled for the preceding or next  
27 judicial day.

28 The Complaint in this matter was filed on April 6, 2023, in the Eighth Judicial



1 District Court of Clark County, Nevada. On June 16, 2023, Defendant Glatfelter Claims  
 2 Management, Inc., filed a Notice of Removal [ECF Doc. 1]. On June 23, 2023,  
 3 Defendant Glatfelter Claims Management, Inc., filed a Motion to Dismiss [ECF Doc.  
 4 9]. On July 31, 2023, a Stipulation and Order to Stay Discovery Pending Resolution of  
 5 Motion to Dismiss was entered [ECF Doc. 18]. On February 6, 2024, the hearing on  
 6 the Motion to Dismiss took place and, on March 27, 2024, an Order was entered [ECF  
 7 Doc. 22].

8  
 9 1. **Meeting:** Counsel for the parties met and conferred as required by Fed. R. Civ.  
 10 P. 26(f) on April 24, 2024, and discussed the following:

11 2. **Initial Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties are required to  
 12 make their initial disclosures on or before May 8, 2024.

13 3. **Areas of Discovery:** The Parties agree that each party may conduct discovery  
 14 as allowed under the Federal Rules of Civil Procedure.

LR 26-1(b)(1)

15 4. **Discovery Cut-off Dates:** LR-26(1)(E)(1) provides that "unless otherwise  
 16 ordered, discovery periods longer than one hundred eighty (180) days from the date  
 17 the first defendant answers or appears will require special scheduling review."

18 a. **Discovery Cut-Off Date:** Given the stay of discovery pending the  
 19 outcome of Defendants' Motion to Dismiss, the standard discovery  
 20 period is not feasible as discovery would be set to have closed on  
 21 December 20, 2023. As such, the parties respectfully request a 180-  
 22 day discovery period beginning today. The stipulated discovery cut-  
 23 off date is therefore October 21, 2024.

24 b. **Amending the Pleadings and Adding Parties:** The last date for filing  
 25 motions to amend the pleading or to add parties shall not be later  
 26 than 90 days prior to the close of discovery. In this action, the last  
 27 date for filing motions to amend the pleadings or add parties shall  
 28 be July 23, 2024.



1       c. **FRCP 26(A)(2) Disclosures (Experts)**: The last date for initial  
2 disclosure of expert witnesses shall be 60 days before the discovery  
3 cut-off date. Rebuttal experts shall be disclosed 30 days after initial  
4 experts are disclosed. In this action, the last date for disclosure of  
5 experts shall be August 22, 2024. Rebuttal experts shall be disclosed  
6 on or before September 23, 2024.

7       d. **Dispositive Motions**: The last date for filing dispositive motions shall  
8 not be later than 30 days after the discovery cut-off date. In this  
9 action, the last date for filing dispositive motions will be November  
10 20, 2024.

11      e. **Pretrial Order**: The joint pretrial order shall be filed no later than 30  
12 days after the date set for filing dispositive motions. In this action,  
13 the joint pretrial order shall be filed on or before December 20, 2024.  
14 In the event that dispositive motions are filed, the joint pretrial order  
15 shall be filed no later than 30 days after the order(s) on the  
16 dispositive motions are entered.

17      f. **Court Conferences**: If the Court has questions regarding the dates  
18 proposed by the parties, the parties request a conference with the  
19 Court before entry of the Scheduling Order. If the Court does not  
20 have questions, the parties do not request a conference with the  
21 Court.

22      g. **Extensions or Modifications of the Discovery Plan and**  
23        **LR 26-3**  
24        **Scheduling Order**: ~~LR 26-4~~ governs the modifications or extensions  
25 of this Discovery Plan and Scheduling Order. Any stipulation or  
26 motion must be made no later than 21 days before the discovery  
deadline sought to be extended.

27      h. **FRCP 26(a)(3) Disclosures**: The disclosures required by FRCP 26(a)(3),  
28 and any objections thereto shall be included in the pretrial order.



1                   i. **Alternative Dispute Resolution:** The Parties hereby certify that they  
2                   met and conferred about the possibility of using alternative dispute-  
3                   resolution processes including mediation and arbitration.

4                   j. **Alternative Forms of Case Disposition:** The Parties hereby certify  
5                   that they considered consent to trial by a magistrate judge under 28  
6                   U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program  
7                   (General Order 2013-01).

8                   k. **Format of Discovery:** Pursuant to the electronic discovery  
9                   amendments to the Federal Rules of Civil Procedure effective  
10                   December 1, 2006, the parties addressed the e-discovery issues  
11                   pertaining to the format of discovery at the Rule 26(f) conference. The  
12                   parties do not anticipate discovery of native files or metadata at this  
13                   time, but each party reserves the right to make a showing for the  
14                   need of such electronic data as discovery progresses. In addition, and  
15                   in order to save the costs of printing and mailing documents, the  
16                   parties agree to exchange discovery documents, including but not  
17                   limited to FRCP 26 disclosures, discovery requests, responses,  
18                   document production, and expert disclosures, via electronic mail. If  
19                   a discovery document is too large to send via email, the parties may  
20                   send such documents via a file-sharing service (DropBox, OneDrive  
21                   etc.) or on a CD/DVD/thumbdrive via US Mail.

22                   l. **FRCP 26-1(b)(9) – Presentation of Electronic Evidence for Jurors:**  
23                   Pursuant to Local Rule 26-1, the parties discussed whether they  
24                   intend to present evidence in electronic format to jurors for the  
25                   purposes of jury deliberation. As the electronic presentation of  
26                   evidence for jurors is likely at this time, the parties will coordinate  
27                   with the courtroom administrator for instructions about how to  
28                   prepare evidence in an electronic format and other requirements for



1 the Court's electronic jury evidence display system and, if possible,  
2 provide discovery in an electronic format compatible with the Court's  
3 electronic jury evidence display system.

4 Dated this 24<sup>th</sup> day of April, 2024.

5 Dated this 24<sup>th</sup> day of April, 2024.

6 WEINBERG, WHEELER, HUDGINS,  
7 GUNN & DIAL, LLC

H&P LAW

8 */s/ Ryan Gormley*

*/s/ Cara Xidis*

9 \_\_\_\_\_  
10 Ryan Gormley, Esq.  
11 Nevada Bar No. 13494  
12 Attorneys for Defendant,  
13 Glatfelter Claims Management, Inc.

Marjorie Hauf, Esq.  
Nevada Bar No.: 8111  
Cara Xidis, Esq.  
Nevada Bar No.: 11743  
Attorneys for Plaintiffs

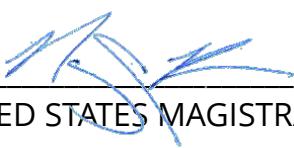
14 Dated this 24<sup>th</sup> day of April, 2024.

15 CLYDE & CO LLP

16 */s/ Dylan Todd*  
17 \_\_\_\_\_  
18 Dylan Todd, Esq.  
19 Nevada Bar No. 10456  
20 Attorneys for Defendant,  
21 American Alternative Insurance Corporation

22 **Order**

23 IT IS SO ORDERED.

24 \_\_\_\_\_  
25   
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: April 26, 2024

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